IN THE HIGH COURT OF BOMBAY AT GOA
***

WRIT PETITION NO.363/2001

Comunidade of Cortalim,
through its Special Attorney,
Dr. Peter Carvalho, H.No.
116, Nauta, Cortalim, Goa. ...Petitioner

Versus

1. Special Land Acquisition
Officer, Konkan Railway
Corporation Ltd., Margao,
Goa, and

2. State of Goa, (through
Chief Secretary),Panaji,
Goa. ...Respondents.

Shri S. S.Kantak, advocate for the petitioner.

Shri E. Afonso, advocate for reespondent no.1.

Shri V.P. Thali, Addl. advocate General with Shri M.J. Rane, Addl. Govt. Advocate for respondent no.2.

CORAM: F.I. BEBELLO,J.

DATE: 10th January, 2002.

ORAL JUDGMENT

Rule. The respondents waive service. Heard forthwith.

2. The grievance of the petitioner is that apart from applying under Section 18 of the Land Acquisition Act, 1894, for enhancement of the compensation, the Comunidade has also moved a separate application under Section 18 for apportionment. Whereas the respondents have referred the application under Section 18 insofar as enhancement is concerned,

the application dated 20th March, 1995, insofar as apportionment is concerned is yet to be referred.

3. Under Section 18 of the Land Acquisition Act, once a person aggrieved by the Award applies under Section 18 of the Land Acquisition Act and meets with the requirement of the said Section, the respondents are duty-bound to comply and refer the matter to the Reference Court. In the instant case, there has been failure on the part of the respondents to refer the subject-matter of the application dated 20th March, 1995, insofar as apportionment is concerned. That apportionment is restricted to what is referred to in para 11 of the said application. In the light of that the following Order:-

The respondents to consider the application of the petitioner abovereferred to and if the Comunidade has complied with the other requirements of the Section, then make appropriate reference in terms of what is set out in terms of para 11 of the aforesaid application.

Rule accordingly made absolute. In the circumstances of the case there shall be no order as

to costs. However, reference to be made within twelve weeks from today.

F.I. REBELLO,J.